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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* TEJASWINI HOSALI and WILLIAM JOHN REILLY

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Appeal 2008-0638  
Application 10/092,319  
Technology Center 2100

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Decided: May 29, 2008

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Before JAMES D. THOMAS, ST JOHN COURTENAY III, and  
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-33. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

#### A. INVENTION

The invention at issue involves dynamic email notification (Spec. 1). In particular, customized messages and attachments are provided to customers (*id.* 3). The text of the message or attachment is sent in the appropriate communication language of the recipient (*id.* 4).

#### B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows:

1. A method of sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language, comprising:

- the attachment includes a document with a plurality of line items;
- automatically parsing the line items of the document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address;
- automatically determining if the parsed variable data, including the destination address, require a dynamic task to be started;
- upon a determination that the dynamic task is required, selecting a specific destination language for the electronic message and the attachment to be sent to the at least one destination address;
- sending the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address;
- and
- if it is determined that the dynamic task is not required, then transmitting the dynamic electronic message and the attachment in an origin source language, without translation.

### C. REJECTION

Claims 1-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,884,246 (“Boucher”).

### II. CLAIM GROUPING

“When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.” 37 C.F.R. § 41.37(c)(1)(vii) (2006).<sup>1</sup>

Appellants argue claims 1, 2, 5-13, 15-19, 22-30, 32, and 33 as a first group (App. Br. 5-7); claims 3 and 20 as a second group (App. Br. 7); claims 4 and 21 as a third group (App. Br. 7); and claims 14 and 31 as a fourth group (App. Br. 8). We select claim 1 as the sole claim on which to decide the appeal of the first group, claim 3 as the sole claim on which to decide the appeal of the second group, claim 4 as the sole claim on which to decide the

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<sup>1</sup> We cite to the version of the Code of Federal Regulations in effect at the time of the Appeal Brief. The current version includes the same rules.

appeal of the third group, and claim 14 as the sole claim on which to decide the appeal of the fourth group.

### III. CLAIMS 1, 2, 5-13, 15-19, 22-30, 32, AND 33

Appellants argue that “Boucher does not disclose (1) automatically parsing the line items of the document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address” (App. Br. 6).

Boucher discloses a “communication for electronic transmission” (col. 8, l. 47) that includes a “destination address for the original communication” (col. 8, l. 48). The communication “is then dispatched . . . to arrive at a translation site . . . and received by the translation site” (col. 9, ll. 10-12). The translation site translates the communication and “the translated message is dispatched (Step 212 in FIG. 3A) to the destination site” (col. 9, ll. 24-25). A “communication” includes “any information which is attached to or referred to by a message or communication, such as data files often associated with an e-mail message and referred to as ‘attachments’” (col. 9, ll. 42-45).

Therefore, Boucher discloses a translation site receiving a communication that includes data (i.e., data content of the e-mail) and/or attachments. In the absence of an explicit definition of the term “variable data” of claim 1, we adopt a broad but reasonable interpretation of the term “variable data” to include any data that can vary. “[T]he PTO gives claims

their ‘broadest reasonable interpretation.’” *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)).

We find that e-mail content can vary based on what content a sender includes in the e-mail message, the destination address used, or what a sender attaches to the e-mail communication in the form of an attachment. Therefore, we find that the e-mail message/communication of Boucher, which may include attachments and/or the destination address, contains “variable data.”

We also find that Boucher discloses that the translation site translates the communication “into an appropriate language (that) will be delivered to the addressed recipient” (col. 8, ll. 34-35). Under a broad but reasonable construction of the term “parsing” to include “analyzing data,” we find that Boucher necessarily “parsing” (i.e., “analyzes”) the e-mail content in order to translate the content into another language and also “parsing” the destination address in order to identify the address to deliver the translated message “to the addressed recipient” (col. 8, l. 35). The e-mail content and/or destination address is “related to” the destination language.

Appellants further argue that Boucher does not disclose “automatically determining if the parsed variable data, including the destination address, require a dynamic task to be started” (App. Br. 6).

Boucher discloses “automatically translating any response which is sent” (col. 9, ll. 57-58) and that “a sender of a message . . . (instructs) the translation site via an entry in the subdomain field indicating that any

response should be translated and conveyed” (col. 9, ll. 62-66). We construe the term “dynamic task” broadly but reasonably to include any task that can vary (i.e., “dynamic”). Thus, “dynamic tasks” may include translating documents. Under this interpretation, we find that Boucher discloses determining if parsed variable data (i.e., data from the communication – which includes the destination address – that is analyzed) requires that translation (i.e., a “dynamic task”) is to be started (i.e., by analyzing the subdomain field for an instruction that a response should be translated and conveyed), which includes determining if a dynamic task is to be started as recited in claim 1.

Appellants also argue that Boucher does not disclose “upon a determination that the dynamic task is required, selecting a specific destination language for the electronic message and the attachment to be sent to the at least one destination address” (App. Br. 6).

As set forth above, Boucher discloses determining if a communication requires translation (by analyzing the subdomain field for an instruction) and translating the communication. The communication “is then dispatched . . . to arrive at a translation site . . . and received by the translation site” (col. 9, ll. 10-12). In addition, Boucher discloses that “[i]t is also preferred that the translation machine 136 determine the language which the message is to be translated into (Step **230** in FIG. **3C**)” (col. 11, ll. 60-62). Therefore, Boucher discloses that upon determining that translation (i.e., a “dynamic task”) is required, the system of Boucher then selects a destination language

(by determining the language which the message is to be translated into) in order to translate the communication into the destination language.

Appellants also argue that Boucher does not disclose “sending the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address” (App. Br. 6).

Boucher discloses that, after translation, “the translated message is dispatched (Step 212 in FIG. 3A) to the destination site” (col. 9, ll. 24-25). We broadly but reasonably construe the term “dispatching” to be synonymous with “sending” and further find that this disclosure is equivalent to “sending the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address” (App. Br. 6).

Because Appellants have failed to demonstrate that the Examiner erred in rejecting claim 1, we affirm the rejection of claim 1 and of claims 2, 5-13, 15-19, 22-30, 32, and 33, which fall therewith.

#### IV. CLAIMS 3 AND 20

Appellants argue that “Boucher does not disclose verifying the specific destination language based on a destination country of shipment” (App. Br. 7).

Boucher discloses that “the translation machine **136** determines the country which is the destination of the translated message by the two letter country indicating top level domain and performs a translation into a



preselected language in accordance with the top level domain” (col. 12, ll. 10-14). We construe a “destination country of shipment” broadly but reasonably to include a country in which the communication is to be sent (i.e., the destination country to which a communication is “shipped”). Under this interpretation, Boucher discloses that the destination language is determined and verified based on “the two letter country indicating top level domain,” which, in turn, indicates the destination country of shipment (country to which the communication is shipped). Therefore, Boucher discloses selecting the destination language based on a destination country of shipment as recited in claim 3.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 3. Therefore, we affirm the rejection of claim 3 and of claim 20, which falls therewith.

#### V. CLAIMS 4 AND 21

Appellants argue that “Boucher does not disclose verifying the specific destination language based on a destination country in which a software program will be installed” (App. Br. 7).

As set forth above, we find that Boucher discloses verifying the specific destination language based on a destination country. Boucher also discloses that “[t]he translated message is received at the site designated by the destination field . . . and is then reproduced in a humanly perceptible manner . . . [f]or example, the input/output device 112 can be used to display

the translated message to the recipient” (col. 9, ll. 31-37). Hence, Boucher discloses that the data is received at a destination location and is displayed via an input/output device 112. We construe the term “software program” broadly but reasonably to include any program the execution of which performs a task on a device. The system of Boucher must include a software program on the system in order to display the data to the recipient of the communication. This software program is installed on the system. Under this interpretation, Boucher discloses that a software program is installed on the system at the destination country as recited in claim 4.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 4. Therefore, we affirm the rejection of claim 4 and of claim 21 which falls therewith.

## VI. CLAIMS 14 AND 31

Appellants argue that “Boucher does not disclose that parsing of a document is triggered by a receipt of any one or more of: a sale order, a request for information, an inquiry, and a quote” (App. Br. 8).

Boucher discloses sending a communication to a translation site that determines “the type of translation which should be carried out on the original communication” (col. 3, ll. 29-32), determines “the language which the communication is to be translated into” (col. 3, ll. 36-37), and performs “a machine translation on at least a portion of the communication from the first language into at least the second language to generate a primary

translated communication” (col. 3, ll. 36-39). As set forth above, we find that “parsing” includes “analyzing data” and that the translation site of Boucher “parses” content of the communication in order to translate the content into another language. Therefore, Boucher discloses parsing of document (i.e., e-mail) that is triggered by receipt of the communication.

Boucher also discloses that a sender may wish “any response from the recipient” (col. 9, ll. 46-47). In this case, the recipient returns a “response which is sent . . . [and] . . . represented in FIG. 2B by arrows **118** and **120** showing the direction which any responsive communication flows from machine **108** to machine **104** to machine **100**” (col. 9, ll. 57-61). Boucher discloses the original communication from the sender including a request for a response which includes a “request for information” or an “inquiry” as recited in claim 14. Therefore, Boucher discloses the translation site receiving a communication from a sender that includes a “request for information” and “inquiry” for a response from a recipient and parsing (or “analyzing”) the communication as triggered by receiving the request for information or inquiry from the sender.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 14. Therefore, we affirm the rejection of claim 14 and of claim 31, which falls therewith.

VII. ORDER

In summary, the rejection of claims 1-33 under § 102(e) is affirmed.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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